

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3614 of 1993

with

SPECIAL CIVIL APPLICATION No 3580 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHAMPABEN BHOGILAL PANDYA

Versus

STATE OF GUJARAT

Appearance:

MR RC JANI with MR HS MULIYA for Petitioners
MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/07/2000

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties, I do not find any merits in any of these Special Civil Applications. Both these petitions have been filed by the promoters of the proposed co-operative society. Their grievance is that the action of the respondent not to grant the land to the society is wholly arbitrary and unjustified. I do not find any merits in their grievance. Even, if it is taken that in the resolution some land has been reserved which is to be given to the housing co-operative society and it is not given, neither of the legal or fundamental rights of the petitioners are being infringed. The learned counsel for the petitioners has failed to show any legal or fundamental rights of the promoters of the proposed society so that this court can compel the respondent state to allot the land to them. Otherwise also, the petition on behalf of the proposed society is not maintainable. The petitioners have made an attempt to file this petition on behalf of the society and only on this ground, the claim of the society is not tenable. If individually, the rights of the petitioners are examined, the learned counsel for the petitioners has failed to show any of their legal or fundamental rights to get the land from the State Government. These both Special Civil Applications are wholly misconceived.

2. As a result of the aforesaid discussion, both these Special Civil Applications fail and the same are dismissed. Rules are discharged. Interim reliefs, if any, granted stand vacated. No order as to costs.

(S.K. Keshote, J.)
(kamlesh)